

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION

MDL NO. 1456
Civil Action No. 01-12257-PBS
Subcategory Case No: 03-10643-PBS

THIS DOCUMENT RELATES TO:

Judge Patti B. Saris

The City of New York, et al.

v.

Abbott Laboratories, et al.

**[PROPOSED] ORDER OF DISMISSAL OF
PLAINTIFFS' CLAIMS AGAINST THE TEVA DEFENDANTS**

WHEREFORE, IT IS ORDERED, that

1. Pursuant to Fed. R. Civ. P. 41 and the terms of the Settlement Agreement by and among the Consolidated New York Counties and defendants Teva Pharmaceuticals USA, Inc., Novopharm USA, Inc., Barr Laboratories, Inc., Ivax Corporation, Ivax Pharmaceuticals, Inc., Sicor, Inc., and Sicor Pharmaceuticals, Inc. (f/k/a Gensia Laboratories, Ltd.) (collectively, the “Teva Defendants”), claims in this action against the Teva Defendants are dismissed with prejudice and without costs to any party.

2. Each party shall be responsible for its own expenses, attorneys' fees, and costs.

3. The Court shall retain jurisdiction to enforce the terms, conditions, and releases of the Parties' Settlement Agreement and Release to the extent reasonably necessary and appropriate.

IT IS SO ORDERED this ____ day of _____, 2010

THE HONORABLE PATTI B. SARIS
UNITED STATES DISTRICT COURT JUDGE